

According to the applicants, the contested decision further infringes the principle of protection of legitimate expectations and Article 14 of Regulation No 659/1999. According to the applicants, they were entitled to rely on the legality of the aid since it had been approved by the Commission. Recovery of aid received would run counter to the applicants' legitimate expectations.

By altering its approach to fiscal measures for maritime transport, the Commission, in adopting the contested decision, also infringed the principle of legal certainty. In the applicants' view, a change in the approach to aid measures cannot result in already approved aid being classified as new rather than existing aid.

The applicants are also claiming infringements of the principles of equal treatment and proportionality and of the requirement to provide a statement of reasons.

(1) Council Regulation (EC) No 659/1999 of 20 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

(2) Community guidelines on State aid for maritime transport (OJ 1997 C 205, p. 5).

**Action brought on 24 October 2002 by Muller Marine Holding BV, Muller Maritime Holding BV and Handel- en Scheepvaartmaatschappij Multraschip BV against the Commission of the European Communities**

**(Case T-327/02)**

(2002/C 323/65)

*(Language of the case: Dutch)*

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 24 October 2002 by Muller Marine Holding BV, Muller Maritime Holding BV and Handel- en Scheepvaartmaatschappij Multraschip BV established in Rotterdam, represented by T.R. Ottervanger, with an address for service in Luxembourg.

The applicants claim that the Court of First Instance should:

1. Primarily, annul Commission Decision C(2002) 2158 of 19 June 2002 concerning State aid by the Netherlands in favour of the activities of Netherlands tugboats in sea harbours and on inland waterways of the Community;

2. In the alternative, annul Articles 2 and 3 of the Commission's contested decision in which the Commission requires the Netherlands Government to adopt all necessary measures in order to recover aid from the recipients — with the exception of aid paid before 12 September 1990;
3. Order the Commission to pay the costs.

*Pleas and main arguments*

The pleas relied on are the same as in Case T-326/02.

**Action brought on 24 October 2002 by Smit Harbour Towage Rotterdam BV against the Commission of the European Communities**

**(Case T-328/02)**

(2002/C 323/66)

*(Language of the case: Dutch)*

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 24 October 2002 by Smit Harbour Towage Rotterdam BV, established in Rotterdam, represented by T.R. Ottervanger, with an address for service in Luxembourg.

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